

For the Nuclear Regulatory Commission.
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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413 and 50-414]

Duke Energy Corporation, et al.; Notice of Partial Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Duke Energy Corporation (the licensee) for amendments to Facility Operating License (FOL) Nos. NPF-35 and NPF-52, issued to the licensee for operation of the Catawba Nuclear Station, Unit Nos. 1 and 2, located in York County, South Carolina. Notice of Consideration of Issuance of Amendments was published in the **Federal Register** on February 11, 1998 (63 FR 6983).

The licensee's application of December 18, 1997, as revised by a letter dated January 28, 1998, proposed numerous changes to the FOLs. The licensee proposed to revise the FOLs to delete license conditions that have been fulfilled, to update information to reflect current plant status and regulatory requirements, and to make other correctional, clarifying, or editorial changes. The staff issued amendments to the FOLs, accepting most of the proposed changes. The balance of the proposed changes were not accepted by the staff. The changes that were not accepted are summarized as follows:

1. For the license conditions that have been fulfilled, and the exemptions that are no longer needed, the licensee proposed to have them deleted entirely from the FOLs. The staff, however, believes that indications should be left in the FOLs to provide easy reference to these past license conditions and exemptions. The staff preserved the license condition and exemption numbers with the word "Deleted" following in parentheses. Further, the staff did not renumber those license conditions still in existence. Hence, the licensee's proposed changes are partially denied.

2. The licensee proposed to modify the statement that described the construction status as "has been substantially completed" to "was completed." The staff surveyed FOLs granted to other facilities, and found

that the expression "has been substantially" is used in each FOL, and its meaning is thus established by such repeated use. The licensee has not provided any reason for the proposed change, other than stating that this is an administrative change to "update the FOL to the current historical status." Thus, this proposed change is denied.

3. The licensee proposed to delete the reference to the Environmental Report, as supplemented, from the FOLs. The licensee gave no justification for deleting the reference to the Environmental Report, which has been required by the National Environmental Policy Act and 10 CFR Part 51, and was a significant part of the basis for granting the FOLs. This proposed change is denied.

4. The licensee proposed to delete any reference to revision numbers to security plans since these security plans are subject to change periodically. However, 10 CFR 50.54(p) has set forth the conditions under which the licensee may make changes without NRC approval, such that the specified revision numbers do not prevent the licensee from making such changes. Hence, the licensee's proposal to omit revision numbers and dates is denied.

The NRC staff has concluded that the licensee's proposed changes described above are unacceptable and are denied. The licensee was notified of the staff's denial by letter dated April 23, 1998.

By May 28, 1998, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written request for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Paul R. Newton, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated December 17, 1997, and (2) the Commission's letter to the licensee dated April 23, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street

NW., Washington, DC. and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 23rd day of April 1998.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-259]

The Tennessee Valley Authority; Notice of Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the Tennessee Valley Authority (licensee), for an amendment to Facility Operating License No. DPR-33 issued to the licensee for operation of the Browns Ferry Nuclear Plant, Unit No. 1, located in Limestone County, Alabama. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on February 15, 1997 (62 FR 2194).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to permit increasing the main steam safety/relief valve set point tolerance to plus or minus 3%.

The NRC staff has concluded that the licensee's request to increase the main steam safety relief valve set point tolerance cannot be granted at this time. The licensee was notified of the Commission's denial of the proposed change by a letter dated April 22, 1998.

By May 28, 1998, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General